

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO**

**JORGE GOLDEN and ANTHONY
YBARRA, Individually and On Behalf of
All Others Similarly Situated,**

Plaintiffs,

v.

No. 2:22-cv-579-GJF-GBW

**QUALITY LIFE SERVICES, LLC, et
al.,**

Defendants.

ORDER ON UNOPPOSED MOTION FOR ATTORNEYS' FEES AND COSTS

THIS MATTER came before the Court on Plaintiffs' Unopposed Motion for Attorneys' Fees and Costs (Fee Motion). ECF 195. The Court hereby incorporates its findings and Orders from its separate Order on the Parties' Joint Motion to Approve Class Action Settlement. *See* ECF 200.

The Court-approved notice advised Class Members of the exact amount of attorney's fees and costs to be paid as part of this Order. *See* ECF 194-3 at 3. The Notice further advised that Class Members had forty-five days from the date that Notice was mailed and emailed to object to the Settlement. ECF 196 at 2 (Court ordering that Notice include 45-day deadline). The Notice also explained that the Court would hold a Final Fairness Hearing on October 10, 2024 at 9:00 a.m. via Zoom. *Id.*

The Court convened the Final Fairness Hearing as scheduled. ECF 199 (minutes). Counsel for the parties appeared, as did the named Plaintiffs and two other Class Members. *Id.* at 1. The Court confirmed that no Class Member had filed any objections to any aspect of the proposed settlement or otherwise opted out of the proposed settlement.

Having considered the Fee Motion and additional information provided by counsel at the Fairness Hearing, the Court finds and concludes that the Fee Motion is well-taken and shall be GRANTED. The Court FINDS as follows:

1. Throughout this action, Class Counsel litigated this case thoroughly and vigorously.
2. The Court previously found that Class Counsel was adequate counsel for purposes of Fed. R. Civ. P. 23 and so finds again here based on the evidence presented to the Court and the litigation in this matter. *See, e.g.*, [ECF Nos. 52 and 148].
3. The Court finds that the use of the common fund method for determining attorney's fees is appropriate in this matter under Fed. R. Civ. P. 23(h). Attorneys' fees based on the common fund doctrine permit the fees to be spread proportionally among the Class Members who benefited from this litigation.
4. The Court notes that Class Counsel has unilaterally reduced their fee from the contractually-set 40% to 33% of the common class fund¹ to ensure the class receives a larger portion of damages.
5. The Court finds that payment of attorneys' fees in the amount of \$367,454.57 is a reasonable amount in this matter under Fed. R. Civ. P. 23(h).
6. The Court also finds that Plaintiffs' costs in the amount of \$16,636.07 are reasonable under Fed. R. Civ. P. 23(h).


Therefore, for the above reasons, the Court ORDERS as follows:

1. Plaintiffs' request for attorneys' fees in the amount of \$367,454.57 is GRANTED.

¹ The "common class fund" is defined as the money to be paid to class members for damages and is exclusive of costs and named Plaintiffs' service awards in this case.

2. Plaintiffs' request for \$16,636.07 to serve as reimbursement (and future reimbursement) of costs related to this action and the subsequent distribution of funds to the Class is GRANTED.

SO ORDERED.



THE HONORABLE GREGORY J. FOURATT
UNITED STATES MAGISTRATE JUDGE
Presiding by Consent

APPROVED AS TO FORM AND SUBSTANCE:

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